



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/581,173

01/23/2007

Jerome Cassayre

70312/UST

1639

26748

7590

09/30/2008

SYNGENTA CROP PROTECTION, INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO, NC 27409

EXAMINER

BLAKELY III, NELSON CLARENCE

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10581173	1/23/2007	CASSAYRE ET AL.	70312/UST

EXAMINER

NELSON C. BLAKELY III

ART UNIT	PAPER
----------	-------

1614

20080926

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on July 2, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): It is noted that Applicant did elect a compound of Formula (I') wherein the substituents R1, n, Ra, p, q and R8 have been identified. Additionally, Applicant alleges that the provisionally elected compound is designated in the specification as III-3, the structure of which is shown in paragraph [0069] on page 17 (which is understood to correspond to Formula (Ic) in Table III on page 41 of the instantly filed specification) in combination with Table I on page 7 (which is understood to correspond to I-3 of Table 1 on page 16 of the instantly filed specification). However, when considering Applicant's election and the corresponding compound within the specification, said compound identifies R4a-d as hydrogen, but instant claims 1 and 9, for example, do not claim hydrogen as a possible substituent for R4a-d. Thus, Applicant is encouraged to elect a single disclosed compound of Formula (I), which would, per the election of species requirement, necessarily encompass an election of Formulas (I') and (II). Applicant is required to elect a species before prosecution can proceed. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, Applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NELSON C. BLAKELY III whose telephone number is (571)270-3290. The examiner can normally be reached on Mon - Thur, 7 am - 5:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

/NELSON C BLAKELY III/
Examiner, Art Unit 1614